

REGULATORY ANALYSIS

The following is a regulatory analysis prepared pursuant to N.D.C.C. § 28-32-08 for an amendment to administrative rule N.D.A.C. § 28-02.1-13-01 proposed by the North Dakota State Board of Registration for Professional Engineers and Land Surveyors (the "Board").

No regulatory analysis is required by N.D.C.C. § 28-32-08.1 because the Board is an occupational or professional licensing authority exempted by Subsection 5 of N.D.C.C. § 28-32-08.1.

The persons who will probably be affected by the proposed amendments to the rule are registered land surveyors and those persons who employ registered land surveyors in connection with the acquisition of easements. In theory, registered land surveyors will bear the costs of the proposed rule; those persons who acquire easements will benefit from the proposed amendment to the rule.

The probable economic impact of the proposed amendment to the rule is hard to estimate. The proposed amendment to the rule will nearly eliminate the requirement for a survey in the acquisition of easements, and will eliminate the requirement to set all monuments from such survey. A reasonable estimate is that this could result in saved survey costs of thousands of dollars per mile of easement on a single project. The total

probable impact could therefore be very significant. However, it appears that the rule, as it currently exists prior to amendment, is not necessarily being followed by all persons acquiring easements; and therefore the actual economic impact on the regulated community may not be substantial.

The Board has no way to estimate the total number of projects that would result in the acquisition of easements, and therefore require a survey in absence of the amendment to the rule, in any given year. In addition, the reduced costs for surveying on any such project would depend on the scope of the project. It is not practicable to try to prepare a quantification of economic data.

There are no probable additional costs to the Board from the implementation and enforcement of the amendment to the administrative rule. The amendment to the administrative rule may reduce costs to the Board as it will eliminate any unreimbursed costs arising from the enforcement of the rule as it is now written.

There will be no anticipated affect on state revenues from the amendment to the proposed rule.

There are no alternative methods for achieving the purpose of the proposed amendment to the administrative rule; accordingly none were seriously considered.

Dated this _____ day of _____, 2008

Clifford E. Keller,
Executive Secretary